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UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of Bjarke de Jager Gottfredsen)

Date: May 28, 2004

Application No.: 09/674,714

Group Art Unit: 2876

Filed: December 19, 2000

Examiner: Jamara Franklin

For: Mouse Pad Comprising a Card
Read/Write Device

Attorney Ref. No.: 105.01

*After Final Amendments to Place Claims in Better Form For
Consideration on Appeal*Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir or Madam:

In response to the office action mailed April 6, 2004, the applicant respectfully submits the following amendments to place the claims in better form for consideration on appeal. The applicant files these amendments under MPEP 714.12 and 37 CFR § 1.116.

Remarks

The present amendments restore the claims to their form before the previous office action response. In that response, the applicant specifically and repeatedly stated that the proffered amendments were *conditional*, and should only be entered if they placed the claims in condition for allowance. The applicant made entry of the amendments conditional because the examiner had indicated that the amendments would put the claims in condition for allowance, but previous experience made the applicant reluctant to rely on this assurance.

Despite the express direction of the applicant, the examiner entered the amendments, but then rejected all the claims. The examiner stated that no provision of the MPEP allows conditional amendments, but neither does any portion of the MPEP forbid such amendments, and such amendments should be allowed for reasons of economy. Without conditional amendments, applicants are forced to follow the time-wasting procedure that the present applicant is pursuing: the filing of an amendment, and then the filing of an un-amendment after the amendment fails to result in allowance.